

EXHIBIT 1

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

Peggy J. Jackson)	
)	
Plaintiff)	
v.)	Civil Action No.: 3:08CV182
)	
United Air Lines, Inc.)	
and)	
Trans States Airlines)	
)	
Defendants.)	

PLAINTIFF’S RESPONSE TO TRANS STATES MOTIONS IN LIMINE

Trans States has filed Motions in Limine to exclude Peggy Jackson from testifying by deposition, to exclude testimony relating to the cause of her damages beyond January 5, 2007, and to exclude evidence of her damages not disclosed in discovery.

Counsel for Trans States has filed a seven-page memorandum in support of the Motions in Limine including an “introduction” which states;

Jackson, a resident of California, filed this action here in this Court, but her counsel has indicated to Trans States Airlines that Jackson does not intend to appear at trial, and therefore, her counsel intends to use her deposition at trial.

Counsel for Trans States is misinformed as to Peggy Jackson’s intentions in this case. She will testify at trial if her condition permits her to travel to Richmond on March 12, 2009. If her condition does not permit her to come to trial, her counsel will move the Court to permit her de bene esse deposition to be taken at the Hacienda Care Center. If Plaintiff’s de bene esse deposition cannot be taken prior to trial, counsel for the Plaintiff will introduce her discovery deposition heretofor taken at the Hacienda Care Center.

The Plaintiff does not intend to retain any independent medical experts, except the treating physicians as set forth in the medical reports and records. Those treating physicians who reside in the Richmond area will be subpoenaed for trial. The doctors who reside in California will be deposed prior to trial.

With respect to Plaintiff’s damages, the Defendants have requested and received over 2,000 pages of medical records and reports covering treatment of the Plaintiff for the past three years, commencing with her treatment for the ruptured aorta in 2005, and continuing through her recent treatment at Hacienda Care Center. Plaintiff’s Amended Complaint alleges that she has sustained damages in the amount of \$1,250,000. The Defendants have requested and received evidence of medical expenses incurred for treatment of the Plaintiff following the accident on

January 5, 2007 in the sum of approximately \$45,000. As a result of the comminuted fracture, the Plaintiff has suffered a partial permanent disability of the left arm and shoulder. For the past 6 months the Plaintiff has been under treatment at the Hacienda Care Center at a cost of \$8,000 per month for depression, dementia, and the onset of delusions. Whether or not her present condition is related to the injury she sustained two years ago is a question of fact for the treating physicians. Likewise, the “pain and suffering” for which the Plaintiff should be compensated, is a question of fact, based upon the evidence presented at trial.

For the foregoing reasons, the Plaintiff requests that the Court deny Trans States’ Motions in Limine.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of February, 2009, I electronically filed the PLAINTIFF'S RESPONSE TO TRANS STATES' MOTIONS IN LIMINE with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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